



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 13 1996

REPLY TO THE ATTENTION OF:

C-29A

MEMORANDUM

SUBJECT: Surface Waters of the Fond du Lac Reservation

FROM: *Marc M. Radell*
Marc M. Radell
Associate Regional Counsel

THROUGH: Gail C. Ginsberg
Regional Counsel *GC*

TO: Valdas V. Adamkus
Regional Administrator

This memorandum addresses issues raised by the Minnesota Pollution Control Agency ("MPCA") in Attachment B to its September 1, 1995, comments on the Fond du Lac Band's application for treatment as a state for the water quality standards program. As indicated in our February 27, 1996, memorandum to you regarding the authority of the Band to regulate the quality of Reservation waters, the Office of Regional Counsel referred these issues, which concern the legal description of Reservation surface waters, to the Bureau of Indian Affairs ("BIA") for resolution. On April 19, 1996, ORC received a response from BIA endorsing MPCA's comments and making one additional comment [Attachment 1, map excluded]. Accordingly, for purposes of the U.S. EPA-authorized water quality standards program, the legal descriptions contained in Enclosure 2 of the Band's application [Attachment 2] for the following waters are modified to read as follows:

Lake Name (MDNR Lake #)	Legal Description (Twn/Rge/Sct)
First Lake (9-85)	49N/17W/21,22
Jascari Lake (9-50)	48N/19W/1,2 49N,19W/36
Mud Lake (9-53) Also known as Miller Lake	49N/19W/13,14,23

Pat Martin Lake
(9-12)
Unnamed by MDNR

49N/17W/6

Perch Lake
(9-36)

48N/18W/6
48N/19W/1
49N/18W/29,30,31
49N/19W/36

Watercourse Name

Legal Description

Annamhasung Creek

48N/19W/2
49N/19W/26,E $\frac{1}{2}$ 27,E $\frac{1}{2}$ 34,35

Martin Branch
(Also known as
Joe Martin Branch; or
Joe Martin Creek.)

50N/18W/3,4,5,7,8
50N/19W/12

Otter Creek

48N/17W/W $\frac{1}{2}$ 3
49N/17W/19,20,28,29,30,32,33,W $\frac{1}{2}$ 34
49N/18W/25,26

Simian Creek

49N/18W/1,2,3,10
50N/17W/20,21,22,29,30,31,32
50N/18W/36

Tributary to
Simian Creek

49N/17W/6

Tributary to
Simian Creek

50N/17W/30,31
50N/18W/25

Squaw Creek

49N/17W/4,9,16,18,20,21

Stoney Brook
(Also known as Stoney
Brook River)

49N/18W/6,7,17,18,19,30
49N/19W/12,25
50N/18W/3,4,9,16,21,28,31,32,33
51N/18W/34,35

Tributary to
Stoney Brook

50N/19W/23,24,25

St. Louis River 49N/17W/3,4,W½10
 50N/17W/7,15,16,17,18,22,26,27,33,34
 50N/18W/1,2,12
 51N/18W/27,28,29,30,34,35,36
 51N/19W/25,26,E½27

We recommend that the Water Division forward this memorandum to appropriate Band and State personnel. If you have any questions or comments in this matter, please contact Marc at 886-7948.

Attachments

cc: Jo-Lynn Traub